

# Notice of Allowability

Application No.

10/031,699

Examiner

Michael Butler

Applicant(s)

BIGUS ET AL.

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 7/23/2004.
2. ☐ The allowed claim(s) is/are 41-49.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Art Unit: 3653

## DETAILED ACTION

### *Priority*

1. Applicant's claim of as a national stage entry of PCT/DE00/02191 filed 6/29/2000 which claims priority to application 199 35 634.3 filed 7/29/99 in Germany is acknowledged.

### *Allowable Subject Matter*

2. Claims 41-49 are allowed.
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
4. The following is an examiner's statement of reasons for allowance: The prior art neither discloses nor suggests: the combination of a dispenser Elongated receptacle for holding capillaries comprising a channel with open slot with adhesive tape for contacting capillaries and resiliently biased slider configured to urge the capillaries in the receptacle toward an elongated dispensing slot.

Of particular interest is Castner, Sr. et al. '857 which discloses a dispenser of cylindrical objects readily suited for capillary dispensing including: a dispenser comprising: bottom, side wall, second side wall at and parallel to a first separation, a first separation larger than capillary length, a top parallel to second separation from the bottom, top having an elongated opening with width greater than tape. Castner, Sr. et al. '857 neither discloses nor suggests in combination with other art a resiliently biased

Art Unit: 3653

slider configured to urge the capillaries in the receptacle toward an elongated dispensing slot.

Of further interest is Sjobeon which discloses: A dispenser comprising: a bottom side wall, second side wall at and parallel to a first separation, first separation larger than capillary length, top cooperating with first and second side walls and parallel to a second separation from the bottom, top having an elongated opening, elongated opening extends along a central portion of elongated receptacle, consisting essentially of a first opening strip and a second opening strip extending substantially parallel to and at a separation from first opening strip, slider. Sjobeon neither discloses nor suggests in combination with other art a resiliently biased slider configured to urge the capillaries in the receptacle toward an elongated dispensing slot, and adhesive tape for contacting capillaries.

### *Drawings*

5. Formal drawings complying with the draftsman specified accompanying 948 form corrections are necessary.

Art Unit: 3653


*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.



Michael E. Butler  
Examiner



DONALD B. WALSH  
SUPERVISORY PATENT EXAMINER  
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